

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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JOSHUA WARD,

Plaintiff,

v.

NO. Cr. S-04-0678 FCD PAN

AMENDED

ORDER TO SHOW CAUSE

CALIFORNIA DEPARTMENT OF  
TRANSPORTATION (CALTRANS),  
CALIFORNIA AMTRAK, STATE  
OF CALIFORNIA, JACOB KEATING  
SACRAMENTO COUNTY, CITY OF  
SACRAMENTO, YOLO COUNTY,  
WEST SACRAMENTO CITY, and  
UNION PACIFIC RAILROAD  
COMPANY, et al.,

Defendants.

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On April 5, 2004, this action was removed from Sacramento Superior Court to this court. On August 4, 2004, a Status (Pretrial Scheduling) Order was issued setting all case management dates up to and including a trial date.

1 On April 12, 2005, defendants' Union Pacific, and National  
2 Railroad Passenger Corp. (AMTRAK) filed a Motion for Summary  
3 Judgment to be heard on May 27, 2005.

4 A preliminary review of the file and the docket, in  
5 preparation for the pending motion, shows that no return of  
6 service has been filed showing service was completed upon  
7 defendants Jacob Keating, Sacramento County, City of  
8 Sacramento, Yolo County, and City of West Sacramento as required  
9 by Fed R. Civ. P. 4(1) and Local Rule 4-20(b).

10 The court, therefore, makes the following orders:

11 1. Plaintiff is ordered to show cause why defendants Jacob  
12 Keating, Sacramento County, City of Sacramento, Yolo county, and  
13 City of West Sacramento should not be dismissed for failure to  
14 timely serve pursuant to Fed. R. Civ. P. 4(m).

15 2. Plaintiff shall file their response to the Order to  
16 Show Cause on or before May 20, 2005.

17 3. Accordingly, the hearing on the motion for summary  
18 judgment set for May 13, 2005 is VACATED and RESET for  
19 May 27, 2005 at 10:00 a.m. The hearing on the order to show  
20 cause shall follow the motion hearing.

21 IT IS SO ORDERED.

22 DATED: May 3, 2005.

23  
24 /s/ Frank C. Damrell Jr.  
25 FRANK C. DAMRELL, Jr.  
26 UNITED STATES DISTRICT JUDGE  
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